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Attorneys for Defendants Hans Zimmer,  
 individually and doing business as Remote  
 Control Songs, Twentieth Century Fox  
 Film Corporation, Fox Searchlight  
 Pictures, Inc., Fox Entertainment Group,  
 Inc., New Regency Productions, Inc.,  
 River Road Entertainment, LLC, Plan B  
 Entertainment, Inc., Remote Control  
 Productions, Inc., and Sony Music  
 Entertainment

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

RICHARD FRIEDMAN, an individual,  
  
 Plaintiff,

v.

HANS ZIMMER, individually, and  
 doing business as Remote Control  
 Songs; TWENTIETH CENTURY FOX  
 FILM CORPORATION; FOX  
 SEARCHLIGHT PICTURES, INC.;  
 FOX ENTERTAINMENT GROUP,  
 INC.; NEW REGENCY  
 PRODUCTIONS, INC.; MONARCHY  
 ENTERPRISES, S.A.R.L., individually,  
 and doing business as REGENCY  
 ENTERPRISES; RIVER ROAD  
 ENTERTAINMENT, LLC; PLAN B  
 ENTERTAINMENT, INC.; REMOTE  
 CONTROL PRODUCTIONS, INC.;  
 SONY MUSIC ENTERTAINMENT;  
 DOES ONE through TEN, inclusive,

Defendants.

Case No. 2:15-CV-00502 GHK (Ex)

**AMENDED NOTICE OF MOTION  
 AND MOTION TO DISMISS FIRST,  
 THIRD, FOURTH, AND FIFTH  
 CLAIMS FOR RELIEF IN FIRST  
 AMENDED COMPLAINT**

Judge: Hon. George H. King  
 Date: May 18, 2015  
 Time: 9:30 a.m.  
 Crtrm.: 650

*Memorandum of Points and Authorities  
 and Declaration of Robert N. Klieger  
 filed as Dkt. No. 19*

1           **TO PLAINTIFF AND HIS COUNSEL OF RECORD:**

2           **PLEASE TAKE NOTICE THAT** on May 18, 2015, at 9:30 a.m., or as soon  
3 thereafter as counsel may be heard, in the courtroom of the Honorable George H.  
4 King, located in the United States Courthouse, 255 East Temple Street, Los  
5 Angeles, CA 90012, Defendants Hans Zimmer, individually and doing business as  
6 Remote Control Songs, Twentieth Century Fox Film Corporation, Fox Searchlight  
7 Pictures, Inc., Fox Entertainment Group, Inc., New Regency Productions, Inc.,  
8 River Road Entertainment, LLC, Plan B Entertainment, Inc., Remote Control  
9 Productions, Inc., and Sony Music Entertainment (“Defendants”) will and hereby do  
10 move this Court to dismiss the first, third, fourth, and fifth claims for relief in the  
11 First Amended Complaint of Plaintiff Richard Friedman (“Plaintiff”).

12           This motion is made upon the following grounds:

13           1.       Plaintiff’s first claim for relief, for alleged copyright infringement, fails  
14 to satisfy Rule 8 of Federal Rules of Civil Procedure because it improperly lumps  
15 together all Defendants without alleging specific infringing activity by each of them.

16           2.       Plaintiff’s third claim for relief, for alleged violation of section 43(a) of  
17 the Lanham Act, is foreclosed by the Supreme Court’s holding in *Dastar Corp. v.*  
18 *Twentieth Century Fox Film Corp.*, 539 U.S. 23 (2003).

19           3.       Plaintiff cannot state his fourth and fifth claims for relief, for alleged  
20 violations of “moral rights” under the German and French copyright statutes,  
21 because the nature and scope of his copyright interest is governed by the U.S.  
22 Copyright Act, which does not recognize moral rights in musical compositions, and  
23 those claims would not properly be litigated in this Court in any event.

24           This motion is based on this Notice of Motion, the Memorandum of Points  
25 and Authorities and Declaration of Robert N. Klieger filed on April 9, 2015 (Dkt.  
26 No. 19), all of the pleadings, files, and records in this proceeding, all other matters  
27 of which the Court may take judicial notice, and any argument or evidence that may  
28 be presented to or considered by the Court prior to its ruling.

1 This motion is made following the conference of counsel pursuant to L.R. 7-3  
2 which took place on April 6, 2015.<sup>1</sup>

3 DATED: April 10, 2015 KENDALL BRILL & KLIEGER LLP

6 By: /s/ Robert N. Klieger

Robert N. Klieger

7 Attorneys for Defendants Hans Zimmer,  
8 individually and doing business as Remote  
9 Control Songs, Twentieth Century Fox  
10 Film Corporation, Fox Searchlight  
11 Pictures, Inc., Fox Entertainment Group,  
12 Inc., New Regency Productions, Inc., River  
13 Road Entertainment, LLC, Plan B  
14 Entertainment, Inc., Remote Control  
15 Productions, Inc., and Sony Music  
16 Entertainment

20 \_\_\_\_\_  
21 <sup>1</sup> Despite the efforts of Defendants' counsel, the L.R. 7-3 conference was  
22 neither timely nor fulfilled the purposes of that Local Rule. Plaintiff filed his First  
23 Amended Complaint on March 23, 2015. On March 26, Defendants' counsel sent a  
24 three-page letter to Plaintiff's counsel addressing the issues raised in this Motion  
25 and requesting a conference of counsel. Declaration of Robert N. Klieger ¶ 2.  
26 Plaintiff's counsel did not make themselves available for the requested conference  
27 until April 6, and, during that conference, Plaintiff's counsel simply stated that they  
28 would be responding in writing to the March 26 letter. *Id.* ¶ 3. Plaintiff's counsel  
sent that written response, addressing for the first time the substance of the issues  
that had been raised by Defendants, shortly before 4:00 p.m. on April 8—*i.e.*, the  
day before the motion was due. *Id.*

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 10100 Santa Monica Blvd., Suite 1725, Los Angeles, CA 90067.

On April 10, 2015, I served the foregoing document on the interested parties in this action as follows:

Maxwell M. Blecher  
Donald R. Pepperman  
Jennifer S. Elkayam  
BLECHER COLLINS PEPPERMAN & JOYE, P.C.  
515 South Figueroa Street, Suite 1750  
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Jeffrey L. Graubart  
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*Counsel for Plaintiff Richard Friedman*

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 10, 2015, at Los Angeles, California.

/s/ Robert N. Klieger  
\_\_\_\_\_  
Robert N. Klieger